S.B. CRIMINAL MISC. II BAIL APPLICATION NO.2316/2006
(Fateh Lal Vs. State)

Date of order : 7.8.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R.K. Charan, for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

It is contended by the learned counsel for the applicant that in this case poppy husk was recovered from Pukhraj and Mahendra and upon their statement, two other persons namely Ramesh Chandra and Fateh lal - present applicant was indulged in this case. It is contended by learned counsel for the applicant that Ramesh Chandra has already been enlarged on bail by this Court because he along with the present applicant was implicated in this case upon the statement of Lala and Pappu and both of them have turned hostile before the court. It is also contended by the learned counsel for the applicant that case of present applicant is not distinguishable from that of Ramesh Chandra.

Learned Public Prosecutor does not dispute this position.

Taking into consideration the facts and circumstances of the case and without expressing any opinion, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Fateh Lal S/o Khema shall be released on bail (in FIR No.124/2004, P.S. Chanderai, District Chittorgarh) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

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